

City of Las Vegas

AGENDA MEMO

PLANNING COMMISSION MEETING DATE: SEPTEMBER 13, 2007

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: VAR-23561 - APPLICANT/OWNER: RONALD PERDUE

**** CONDITIONS ****

STAFF RECOMMENDATION: DENIAL. If Approved, subject to:

Planning and Development

1. This approval shall be void two years from the date of final approval, unless a certificate of occupancy has been issued or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Variance to allow a proposed 18.1-foot high Accessory Structure, Class II (garage) where 14.2 feet is the maximum allowable height on 1.07 acres at 4121 Bradley Road.

Title 19.08 limits the height of residential Class II accessory structures to less than the height of the primary dwelling. As the height does not substantially conform to the zoning code requirements, staff recommendation is for denial of the Variance.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
No related City actions pertain to this site.	
<i>Pre-Application Meeting</i>	
07/18/07	A pre-application meeting was held with the applicant. The applicant provided a letter from staff detailing that his garage as proposed would require a Variance per Title 19 standards. Submittal requirements were then discussed.
<i>Field Check</i>	
08/09/07	A field check was made on the site. The proposal is located in an existing rural residential neighborhood. The structure that the applicant is proposing would not be out of character with the rural neighborhood.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	1.07

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Single Family Residential	DR (Desert Rural Density Residential)	R-E (Residence Estates)
North	Single Family Residential	DR (Desert Rural Density Residential)	R-E (Residence Estates)
South	Single Family Residential	DR (Desert Rural Density Residential)	R-E (Residence Estates)
East	Single Family Residential	DR (Desert Rural Density Residential)	R-E (Residence Estates)
West	Single Family Residential	DR (Desert Rural Density Residential)	R-E (Residence Estates)

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<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts			
A-O Airport Overlay District (105 feet)	X		Y
Trails		X	N/A
Rural Preservation Overlay District	X		Y
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

DEVELOPMENT STANDARDS

Pursuant to Title 19.08, the following Residential Development Standards apply:

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Lot Size	20,000 SF	23,394 SF	Y
Min. Lot Width	100 feet	120 feet	Y
Min. Setbacks			
Accessory structure			
• Rear	3 feet	23 feet	Y
• Side	3 feet	16 feet	Y
Max. Building Height			
• Accessory structure	14.1 feet	18.1 feet	N
Minimum Square Footage – Class II Accessory Structure	50% of the of the floor area of the primary dwelling (2,355 square feet)	2,250 square feet	Y

ANALYSIS

- Zoning**

The project site is designated with the underlying zone as R-E (Residence Estates). The purpose of the R-E (Residence Estates) District is to provide for low density residential units on large lots and convey a rural environment. The parcel is designated as DR (Desert Rural Density Residential) in the General Plan and the R-E zoning district is consistent with this land use.

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- **Site Plan**

The site plan depicts an existing one-story 4,711 square foot single family residential structure at the front of a rectangle shaped parcel. The applicant proposes to place the 2,250 square foot garage at the west end of the site approximately 200 feet from the single family residential structure.

Per Title 19.08 Residential Accessory Structure (Class II) standards limit the square floor area of such buildings to less than 50 percent of the square footage of the main dwelling. The square footage of the proposed accessory structure is 2,250 square feet, which is 48 percent of the square footage of the main building. The applicant meets this standard.

- **Plan Elevations**

Profiles of the existing garage indicate a metal building. The elevation plans submitted indicate that the Class II accessory structure exceeds the height of the main dwelling. Per Title 19 the height is measured from the vertical distance between the average finished grade along the front of a building and either the average height level between the eaves and the ridge line of a gable, hip, or gambrel roof.

The cross sections indicate the existing detached garage rises to a height of 18.1 feet while the primary dwelling is 14.2 feet. Title 19.08 limits the height of residential Class II accessory structures to less than the height of the primary dwelling. As the height does not substantially conform to the zoning code requirements, staff recommendation is for denial of the Variance.

FINDINGS

In accordance with the provisions of Title 19.18.070(B), the Planning Commission and City Council, in considering the merits of a Variance request, shall not grant a Variance in order to:

1. Permit a use in a zoning district in which the use is not allowed;
2. Vary any minimum spacing requirement between uses;
3. Relieve a hardship which is solely personal, self-created or financial in nature.”

Additionally, Title 19.18.070(L) states:

“Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of enactment of the regulation, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of the piece of property, the strict application of any zoning regulation would result in peculiar and exceptional practical

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difficulties to, or exceptional and undue hardships upon, the owner of the property, a variance from that strict application may be granted so as to relieve the difficulties or hardship, if the relief may be granted without substantial detriment to the public good, without substantial impairment of affected natural resources and without substantially impairing the intent and purpose of any ordinance or resolution.”

No evidence of a unique or extraordinary circumstance has been presented, in that the applicant has created a self-imposed hardship. Alternative design would allow conformance to the Title 19 requirements. In view of the absence of any hardships imposed by the site’s physical characteristics, it is concluded that the applicant’s hardship is preferential in nature, and it is thereby outside the realm of NRS Chapter 278 for granting of Variances.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

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ASSEMBLY DISTRICT 1

SENATE DISTRICT 4

NOTICES MAILED 168

APPROVALS 1

PROTESTS 1